

AFFIDAVIT OF NON-DEVELOPMENT

STATE OF WEST VIRGINIA
COUNTY OF MARSHALL, to-wit:

BOOK 673 PAGE 533

I, Walter Mc Dowell, of 377 Poland Run Rd, Graysville, PA, being of lawful age and being duly sworn, state that for the past Sixty (60) years I have been very familiar with the use and occupancy of that certain tract of land described as follows, to wit:

Legal Description: Subject lands situate in the Meade District, Marshall County, West Virginia, being 180.98 acres, more or less, Tax Map #19, Parcel 11 and 26

The Lands were subject to the following Oil and Gas Leases (the "Leases"):

1. Hezekiah McDowell to J.M. Guffy and Company dated October 28, 1885 and recorded on May 17, 1886 in Deed Book 30, Page 291, for 120 acres described by adjointers, for a primary term of twenty (20) years.
2. Oscar McDowell to W.T. Lewis dated July 8, 1893 and recorded on November 16, 1893 in Deed Book 41, Page 406, for 160 acres, described by adjointers, for a primary term of ten (10) years and as much longer as oil or gas is found in paying quantities or the rental paid thereon.
3. Oscar McDowell to J.C. Trees dated January 21, 1898 and recorded on May 19, 1898 in Deed Book 56, Page 340, for 162 acres, described by adjointers, for a primary term of five (5) years and as much longer as the rent for failure to commence operations is paid, and as long after the commencement of operations as said premises are operated for the production of oil or gas.
4. Oscar McDowell to T.G. Stiles dated March 22, 1899 and recorded on October 9, 1899 in Deed Book 63, Page 165, for 162 acres, described by adjointers, for a primary term of five (5) years and as long thereafter as oil or gas or either is produced therefrom by the party of the second part, its successors and assigns.

That I know of my own knowledge that no oil and/or gas is currently being produced under the terms of the aforesaid Leases upon any of the above described property; that to my knowledge no royalties are currently being paid pursuant to the aforesaid Leases on the above described property; and that I know to the best of my own knowledge that the aforesaid Leases have heretofore been abandoned, surrendered and otherwise terminated.

I further state that I know to the best of my own knowledge that no production of oil and/or gas is currently being produced pursuant to the aforesaid Leases on other property covered by said Leases, if any, or other property pooled or unitized therewith, if any.

Further Affiant sayeth naught.

Executed this 11 day of October, 2008 Walter McDowell

ACKNOWLEDGEMENT

STATE OF Pennsylvania }

COUNTY OF Greene } SS:

On the 11th day of October, 2008, before me personally came the above named: Walter Mc Dowell, being person(s) known to me to be the same person(s) described herein and who acknowledge having executed the foregoing instrument.

My commission expires 9-11-2016

Thomas A. Long
 Signature / Notary Public

Thomas A. Long
 Name / Notary Public (print)

County Recorder: Please return recorded document to Mason Dixon Energy, Inc., 101 Cambridge Place, Bridgeport, WV 26330

JAN PEST
 MARSHALL County 10:35:53 AM
 Instrument No 1259865
 Date Recorded 10/24/2008
 Document Type O&G
 Book-Page 673-533
 Recording Fee \$5.00
 Additional \$6.00

STATE OF WEST VIRGINIA, MARSHALL COUNTY, SCT.:

I, JAN PEST, Clerk of the County Commission of said County, do hereby certify that the annexed writing, bearing date on the 11th day of October 2008 was presented for and by me, admitted to record in my office upon the above certificate as to the parties therein named this 24th day of October 2008 at 10:35 o'clock AM.

TESTE: Jan Pest Clerk.